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EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/344,492	Applicant(s) HENDRICKS ET AL.	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17,23-41 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17,23-41 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-17, 23-41 and 47-53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-11, 23-26, 28-35 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman et al. (U.S. Patent 6,298,441) in view of Duga et al. (U.S. Patent No. 6,195,667).

Referring to claim 1, Handelman discloses restricting access to electronic books displayed on a viewer (see Figure 12 and Column 7, Line 66 through Column 8, Line 11).

Handelman also discloses displaying an identification of an electronic book on a viewer (see screen 425 in Figure 12 and Column 2, Lines 40-44 and Column 16, Lines 45-56 and Column 17, Lines 16-31).

Handelman also discloses receiving information relating to access to the electronic book by potential users (see Column 15, Lines 33-50 for the CA document loading unit 350 receiving requests for electronic books) and further relating to content

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of the electronic book (see Column 15, Lines 43-50 for the request information including various types of content related information of the electronic book).

Handelman also discloses restricting access to the electronic book based upon the information (see Column 16, Lines 1-6 for receiving the electronic book only if the user is authorized based on authorization information described above).

Although Handelman teaches receiving the electronic book data to a library unit (see Column 6, Lines 33-44), Handelman fails to teach receiving and updating directory data of the electronic books in a library unit.

Duga discloses receiving and updating directory data of the electronic books in a library unit (see Column 1, Lines 50-65).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman, using the electronic book menu updating method, as taught by Duga, for automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Referring to claim 2, Handelman discloses wherein the restricting step includes restricting the access based upon a rating assigned to the electronic book (see Column 15, Lines 49-50 for the authorization information containing ratings information used in determining if the user will be restricted access to the electronic book).

Referring to claim 4, Handelman discloses that the restricting step includes restricting access to particular portions of the electronic book based upon the information (see Column 16, Lines 25-27 for restricting access to specific portions of the electronic book document).

Referring to claim 5, Handelman discloses receiving standard ratings relating to the access of the electronic book (see Column 15, Lines 49-50 for the authorization information contained in the user's request for the electronic book contains levels of rating information, thereby containing "standard ratings" relating to the access of the electronic book).

Referring to claim 6, Handelman discloses permitting viewing of only selected portions of the electronic book (see the rejection of claim 4).

Referring to claim 7, Handelman discloses permitting viewing of only selected pages of the electronic book (the examiner notes that an electronic book inherently contains multiple pages, therefore if an entire electronic book or a portion thereof not permitted access at the viewer (see the rejection of claim 4 above), then the system inherently only permits viewing of selected pages of the electronic book).

Referring to claim 8, Handelman discloses permitting viewing of no portion of the electronic book (see Column 16, Lines 18-31 for only accessing the electronic book is

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authorized, therefore if the user is not authorized, he/she will view no portion of the electronic book).

Referring to claim 9, Handelman discloses permitting unlimited access to the electronic book (see Column 16, Lines 33-36 for storing the document/electronic book on the smart cards memory 395 and Column 16, Line 64 through Column 17, Line 19 for accessing the electronic book from the smart card's memory using the authentication data, therefore, a user can access the electronic book an unlimited amount of times based on if the user is authenticated to access the electronic book stored in the smart card's memory 395).

Referring to claims 10-11, see the rejection of claims 1 and 8, respectively.

Referring to claim 23, Handelman discloses controlling access to an electronic book displayed on a viewer (see Figure 12 and Column 7, Line 66 through Column 8, Line 11).

Handelman also discloses displaying an electronic book on a viewer (see screen 425 in Figure 12 and Column 2, Lines 40-44 and Column 16, Lines 45-56 and Column 17, Lines 16-31).

Handelman also discloses receiving information related to a viewing mode for displaying the electronic book on the viewer (see Column 15, Lines 34-47 for request information being received which contains information to a viewing mode (information

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indicating if the user purchased the electronic book)). The examiner is interpreting the viewing mode information to be the purchase information, and further notes that Handelman discloses various types of viewing mode data through Handelman's specification.

Handelman also discloses restricting access to a content of the electronic book based upon the viewer mode (see Column 16, Lines 1-31 for restricting access to the electronic book based on if the user purchased the electronic book).

Although Handelman teaches receiving the electronic book data to a library unit (see Column 6, Lines 33-44), Handelman fails to teach storing and indexing an electronic book in a library unit and displaying a directory having the stored electronic book on a viewer.

Duga discloses storing and indexing an electronic book in a library unit (see Column 1, Lines 50-65) and displaying a directory having the stored electronic book on a viewer (see Column 1, Lines 61-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman, using the electronic book menu updating method, as taught by Duga, for automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Referring to claim 24, Handelsman discloses that the receiving step includes receiving information relating to access levels concerning permitted access of potential users to the content and relating to a rating for electronic book (see again Column 15, Lines 41-50 for the request, which access electronic books includes levels of a rating information).

Handelman also discloses that the restricting step includes restricting the access to the content based upon the information and the viewer mode (see Column 16, Lines 1-6 for restricting access to the electronic books based on the information sent in the request, which described above (in the rejection of claims 23 and 24) is based on access levels and viewer mode information).

Referring to claims 25-26, see the rejection of claims 1-2, respectively.

Referring to claims 28-33, see the rejection of claims 4-9, respectively.

Referring to claims 34-35, see the rejection of claims 1 and 8, respectively.

Referring to claims 47-48, see the rejection of claims 23-24, respectively.

3. Claims 50-51 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Huffman et al. (U.S. Patent No. 5,761,681) in view of Duga et al. (U.S. Patent No. 6,195,667).

Referring to claim 50, Huffman discloses electronically displaying a page of an electronic book on a viewer (see Figure 5) and permitting a user to restrict content of the electronic book (see Figure 37).

Huffman also discloses displaying a screen on a viewer (see Figure 5 for displaying a screen on the electronic book viewer).

Huffman also discloses displaying within the screen a page of an electronic book (see step 450 in Figure 38 for displaying a current page of the electronic book), the page including at least a portion of content of the electronic book (see Column 17, Lines 56-59 for displaying a page which includes a portion of the electronic book).

Huffman also discloses permitting a user to identify at least a portion of the content displayed within the screen (see step 454 in Figure 38 which allows a user to select a portion of the text in the currently displayed page of the electronic book (also note Column 24, Lines 1-2)).

Huffman discloses displaying a section within the screen for permitting the user to request restriction of the identified content (see Column 24, Lines 2-13 for requesting a substitute name in a dialog box display section). The examiner notes that by replacing a name with a new name, restriction to the name is accomplished.

Although Huffman discloses receiving and storing the electronic book in a library unit (see Column 6, Lines 3-8), Huffman fails to disclose indexing the electronic book within an index of the library unit and displaying a screen with the index having the electronic book.

Duga discloses storing and indexing an electronic book in a library unit (see Column 1, Lines 50-65) and displaying a directory having the stored electronic book on a viewer (see Column 1, Lines 61-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Huffman, using the electronic book menu updating method, as taught by Duga, for automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Referring to claim 51, see the rejection of claim 50.

4. Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meer (U.S. Patent No. 6,415,316) in view of Duga et al. (U.S. Patent No. 5,761,681).

Referring to claim 52, Van Der Meer discloses electronically displaying a page of an electronic book on a viewer (see browser 110 in Figure 1(c) for a viewer and Column 5, Lines 36-39 and Column 6, Lines 40-43 for displaying a page of an electronic book in the viewer) and permitting a user to restrict content of the electronic book (see Figure 4(d) and Column 10, Lines 28-54).

Van Der Meer also discloses displaying a screen on a viewer (see Column 9, Lines 7-9 and browser 110 in Figure 1(c)).

Van Der Meer also discloses a name section within the screen for identifying a potential user of the viewer (see Figure 4(d) for displaying a name section for identifying a potential user of the viewer in the form of a password entry field).

Van Der Meer also discloses displaying an access level section within the screen for permitting entry of an access level for the user (see Figure 4(d) and Column 10, Lines 29-31), the access level being used for restricting access to the electronic books by the user (see Column 2, Lines 40-46 and Column 10, Lines 43-45 for restricting access to certain functions of the electronic books presented in the viewer).

Van Der Meer also discloses displaying a viewer mode section within the screen for receiving entry of a viewer mode (see Column 2, Lines 25-31 and Column 5, Lines 9-25 and Column 9, Lines 32-39 for selecting a particular theme (viewer mode)), the viewer mode being used for determining a type of information used to restrict access to the electronic books (the examiner notes that if a "car" theme is selected (see Column 9, Lines 32-39), then the "car" theme (viewer mode) dictates that all other content from electronic books, except for the "car" theme is restricted).

Although Van Der Meer discloses that electronic book data can be received over a network (see Column 5, Lines 47-54), Van Der Meer fails to disclose indexing the electronic book within an index of the library unit and displaying a screen with the index having the electronic book.

Duga discloses storing and indexing an electronic book in a library unit (see Column 1, Lines 50-65) and displaying a directory having the stored electronic book on a viewer (see Column 1, Lines 61-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Van Der Meer, using the electronic book menu updating method, as taught by Duga, for

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automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Referring to claim 53, see the rejection of claim 52.

5. Claims 3, 12-17, 27, 36-41 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handelman et al. (U.S. Patent 6,298,441) in view of Duga et al. (U.S. Patent No. 6,195,667) in further view of Block et al. (U.S. Patent No. 6,675,384).

Referring to claim 3, Handelman and Duga disclose all of the limitations in claim 1, as well as Handelman teaching that the restricting step includes permitting viewing of text within the electronic book (see Column 2, Lines 39-43), but fails to teach permitting no viewing of images within the electronic book.

Block discloses creating an image mask to block an image from being displayed (see Figure 11 and Column 18, Lines 55 through Column 19, Line 17). Further note that Block clearly teaches that the system can be implemented in an electronic book system (see Column 2, Lines 50-56).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book viewer, as taught by the combination of Handelman and Duga, using the masking technology, as taught by Block, for the purpose of providing a substitute program signal instead of the offensive or undesirable portions of a program/book (see Column 2, Lines 19-22 and 50-56 of Block).

Referring to claim 12, Handelsman discloses that a user is restricted to access a plurality of stored electronic books for display on a viewer (see Figure 12 and Column 7, Line 66 through Column 8, Line 11).

Handelman also discloses storing a plurality of electronic books for display on a viewer (see Column 5, Lines 6-12 for the smart card storing a plurality of documents/electronic books).

Handelman also discloses ratings may be assigned to each document/electronic book (see Column 15, Lines 41-50 for assigning a level of ratings to a user's request, when a document is being accessed), where the rating is related to the content of the electronic book (see Column 15, Lines 43-50 for the request information including various types of content related information of the electronic book).

Handelman also discloses restricting access by users of the electronic books based upon the assigned ratings (see Column 16, Lines 1-6 for restricting access based on the requested information (assigned ratings) from the user).

Although Handelsman discloses receiving electronic book data over a network (see Column 6, Lines 33-44), Handelsman fails to disclose indexing the electronic book within an index of the library unit and displaying a screen with the index having the electronic book.

Duga discloses storing and indexing an electronic book in a library unit (see Column 1, Lines 50-65) and displaying a directory having the stored electronic book on a viewer (see Column 1, Lines 61-63).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book system, as taught by Handelman, using the electronic book menu updating method, as taught by Duga, for automatically updating a menu after an electronic book is downloaded to a device, as opposed to a user having to manually enter the title of the electronic book every time the user downloads the electronic book to his/her device.

Handelman and Duga fail to disclose that a particular user assigns the ratings to each electronic book and that other user are denied access based upon the ratings assigned by the particular user.

Block discloses two scenarios of assigning ratings data to various other types of data (audio, video, text or electronic book data (see Column 2, Lines 50-56)). The first is a program labeling station 30 in Figure 1 and the second is the local information label generator disclosed in Figure 7 and at Column 13, Lines 58-64. Both scenarios provide that a particular user may allow a particular user to generating ratings information (see Column 4, Lines 29-39 for generating a TIL and Column 13, Lines 58-64 for generating a LIL), which allows other users to be provided restricted access to content based on the assigned ratings (see Column 23, Line 61 through Column 24, Line 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the electronic book viewer, as taught by Handelman and Duga, using the TIL and LIL technology, as taught by Block, for the purpose of providing a substitute program signal instead of the offensive or undesirable portions of a program/book (see Column 2, Lines 19-22 and 50-56 of Block).

Claim 13 corresponds to claim 12, where Block further discloses that the ratings assigned by a particular user is a rating within a range of ratings (see Column 13, Lines 5-22).

Block further discloses additional examples of a label that comprises a rating, which is within a range of ratings (G, PG, R, etc.) at Column 5, Lines 52-57 and assigned by a user (see Column 5, Line 41 through Column 6, Line 18).

Further note that Handelman also discloses a range of ratings at Column 15, Lines 49-50.

Claim 14 corresponds to claim 13, where Handelman teaches selectively permitting access to the electronic books based upon the ratings (see Column 18, Lines 13-54) and where Handelman and Block both disclose the range of ratings (see the rejection of claim 13).

Claim 15 corresponds to claim 12, where Block discloses requiring the particular user to enter a password in order to assign the ratings (see Column 14, Lines 6-52 for requiring the particular user (such as a parent) to enter a PIN in order to assign an LIL to a particular piece of content).

Claim 16 corresponds to claim 12, where Block discloses permitting a default user to assign the rating (see the rejection of claim 15, where the default user is the parent).

Referring to claim 17, see the rejection of claim 12 and further note that Block discloses selecting and blocking portions of an electronic book (see Column 23, Line 61 through Column 24, Line 6).

Referring to claim 27, see the rejection of claim 3.

Referring to claims 36-41, see the rejection of claims 12-17, respectively.

Referring to claim 49, Handelman discloses access level information for an electronic book (see the rejection of claim 48), but fails to teach that such information is included in a header of an electronic book.

Block discloses placing ratings data in a header of transmitted data in Table I (see Column 6, Lines 35-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the document (book) data, as taught by Handelman and Duga, using the header, as taught by Block, for the purpose of providing desired codes for labeling and controlling the program signals transmitted to the viewer station equipment (see Column 5, Lines 41-44 of Block).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

June 22, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", with a long horizontal line extending from the end of the signature.